

## SCHMITZ GOING TO THE PENITENTIARY

Convicted Mayor of San Francisco Given Five-Year Sentence.

## CROWD CHEERS IN COURT ROOM

Great Demonstration Follows Announcement—Prisoner Resents Lecture by Judge Dunne, and Appeals for His Rights—Appeals for New Trial.

SAN FRANCISCO, July 8.—Mayor Eugene E. Schmitz, convicted of extortion, was today sentenced to five years in the penitentiary. The sentence followed the recent conviction of Schmitz for extorting \$1,175 from French restaurant keepers of San Francisco.

As the last words fell from the judge's lips the great crowd that had stood throughout the dramatic scenes sent up a thunderous cheer. "Good for you!" shouted a man in the back of the room. His ejaculation was echoed and re-echoed by one after another of the spectators.

Judge Dunne, in pronouncing sentence on Schmitz, said:

"It can be said that the verdict of the jury in this case had a deeper significance than ordinarily attaches to the finding of guilt. It is a message to all the people in the city of San Francisco that law and order are supreme; that no man, however exalted his station or how strong and powerful the political, social and financial influences which surround him, is above the law.

"Eugene E. Schmitz, you have heretofore occupied the highest office which the city of San Francisco can confer on one of its citizens. You were elevated to that position because of the confidence and trust reposed in you by the mass of the people."

Schmitz resents lecture. "I am here," interrupted Schmitz, in a voice, though quiet and controlled, that carried to the far corners of the room, "to receive sentence as your honor—and not to be humiliated by a lecture which the newspapers can repeat in print."

Judge Dunne paid no attention to the interruption. "You were elevated to that position, I say, because of the confidence and trust reposed in you by the mass of the people. We are here to take sentence; not to be lectured."

"Mr. Metson," said Judge Dunne warmly, "if you interrupt these proceedings again I will send you to jail. You would be in far better business if you were here begging for a day in court to answer the charge that you wilfully and improperly attempted to tamper with a juror in this case."

Had Confidence of the People.

Turning to Schmitz, Judge Dunne resumed: "You were elected to a position because of the confidence and great trust reposed in you by the mass of the people. You have, by your wilful criminal act, so a jury of your fellow-citizens has declared, broken that confidence and betrayed that trust."

Here Schmitz again protested against the lecture. Judge Dunne took no notice.

"Therefore," the judge continued, "it may be said that the penalty which the law permits in this case is insufficient to meet the demands of justice. It may be suggested, however, that by your conviction you will lose the respect and esteem of all good citizens and men; that you will suffer the humiliation of knowing that your career of hypocrisy, duplicity and dishonesty."

Prisoner Demands His Rights.

"I stand here as an American citizen to demand my rights," interposed Schmitz. "I'm not asking any leniency at the hands of this court. I am prepared to receive sentence. I ask that your honor do your duty and pronounce it immediately, and that I be not subjected to humiliation and degrading remarks which the papers are copying and will print. I say, if your honor has any self-respect, you will proceed with the sentence."

His Brazen Effrontery.

"It is not unusual," was Judge Dunne's reply, "for courts to be brought into contact with such brazen acts of effrontery as yours in the present instance."

"It is the duty of the court in such cases to view the conduct of a convicted felon with patience and tolerance, not to say pity. By your conviction you will lose the respect and esteem of all good men and citizens. You will suffer the humiliation of knowing, I say, that your career of hypocrisy, duplicity and dishonesty has been exposed, and that you stand before those who believed in and honored you, morally naked, shamed and disgraced."

"I deny that," cried Schmitz. "The people of San Francisco know how I was wronged through."

Morally Naked and Disgraced.

Judge Dunne resumed: "Morally naked, shamed and disgraced. It is in the knowledge of these things rather than in any mere term of imprisonment in a State penitentiary, that the full measure of your punishment may be found."

"It is the judgment of this court that you be confined in the State Penitentiary at San Quentin for a term of five years."

Appeals for New Trial.

Immediately after the passing of sentence, Attorney Fairall asked that Schmitz be admitted to bail, pending an appeal. This application will be heard formally tomorrow. Bills of exceptions were then filed, and Judge Dunne granted a certificate of probable cause, enabling Schmitz to carry to the District Court of Appeals his motion for a new trial.

## PUT STRIPES ON MAYOR



## JUDGE LONG DEFIES THE FEDERAL COURT

Tells Grand Jury to Indict Roads Despite Judge Pritchard's Order.

## MUST SELL CHEAP TICKETS

North Carolina Jurist Ignores Federal Jurisdiction in Rate Case.

(Special to The Times-Dispatch.) RALEIGH, N. C., July 8.—In his charge to the grand jury of Wake county Superior Court today Judge B. F. Long declared that as custodians of the criminal laws of the State it would be the bounden duty of the jury to indict any railroad officials or agents who violated the act of the last Legislature limiting railroad fares to 2 1/4 cents per mile, notwithstanding the order of the Federal court to the contrary. He declared that he had himself seen the law violated twice this morning, and if any of the jurors had, in coming to attend court, been required to pay more than the 2 1/4 cent rate, an indictment should be returned against them.

He declared that there shall be fine or imprisonment for violating the rate act. Graham Haywood, of Raleigh, is foreman of the jury. Only the Southern Railway and Atlantic Coast Line are selling tickets at the old rate in this section, the Seaboard having complied with the law under protest. The others are issuing rebate coupons to be redeemed in the event the new law is sustained in the Federal court.

## BIG SHAKE-UP IN NEW YORK

Mayor McClellan Dismissed Corporation Counsel—Other Changes.

## NIGHT CALL ON THE PRESIDENT

Crazy Young Man Halted by Guards Before Reaching the House.

## GIRL JUMPS INTO VERY DEEP WELL

Attempts Suicide Because Mother Wouldn't Let Her Go to Philadelphia.

## RAISE REWARD AT KING'S FUNERAL

People Subscribe \$75 to Offer for Capture of Edward Saul, Alleged Murderer.

## PRODUCTION OF MINERALS

Virginia Output Figures Given by the Geological Survey.

## WILL NOT BUY FROM MEXICO

Story of Sale of Magdalena Bay Given Official Denial.

## WANT RECEIVER FOR THE TOBACCO TRUST

Prosecution to Resort to New Method of Dealing With Business.

## AUTO INJURES AERONAUT

Seriously Injured, and Actress With Him Was Almost Killed.

## BOARD OF CONTROL FOR CITY PLANNED

Subcommittee Named to Report Draft of Amendments to Charter.

## POWERS WILL BE EXECUTIVE ONLY

Question of Control of City Officials One of Most Important Points at Issue—Attorney's Opinion as to Steps Possible Under Constitution.

## For Board of Control.

"Resolved, That a subcommittee of three, consisting of the chairman and two other members, be appointed, whose duty it shall be, acting with the City Attorney, to prepare and report the draft of a resolution looking to amendments to the city charter, conferring upon a board of control the entire executive affairs of the city, and confining the action of the City Council and its committees to purely legislative matters; and said committee shall also report whether or not, in their opinion, it is best to reduce the number of Councilmen." Resolution adopted at meeting of special Council committee held last night.

## ARMED WITH AN IMPORTANT OPINION OF THE CITY ATTORNEY, DENYING THE CHANGES POSSIBLE UNDER THE CONSTITUTION, THE SPECIAL COUNCIL COMMITTEE ON CHARTER CHANGES LAST NIGHT TOOK STEPS LOOKING TO THE CREATION OF A BOARD OF CONTROL, TO WHICH SHALL BE ENTRUSTED THE ENTIRE EXECUTIVE DIRECTION OF THE MUNICIPAL GOVERNMENT.

The committee met at first in the office of the Mayor, but later removed to room 5, on the third floor of the City Hall, where the members could have the benefit of electric fans and wide-open windows. Those present were Messrs. Dabney, chairman, and Burton, from the Board of Aldermen, and Messrs. Pollock, Spencer and Cary, from the Common Council, and Mayor McCarthy, who, by resolution, was made a member of the committee. City Attorney Pollard was also in attendance.

After the reading of the minutes of a former meeting, at which the committee was organized, the opinion of the City Attorney was laid before the body.

Pollock's Resolution.

Mr. Pollock, addressing the chair, declared that the attorney's opinion was very clearly to the effect that under the State Constitution the Legislature can amend the charter of Richmond or make a general law so as to create an advisory board or a board of control, which may be invested with executive powers only. A subcommittee should get right to work on a carefully-drawn plan to establish a board of control, whose powers shall be absolutely executive. He then offered the following resolution:

"The resolution was discussed at some length, but all the remarks showed that the members were in favor of it and would vote for it, which they did when the question was put. In the opinion of the City Attorney, the enormous amount of work that is to be imposed on the subcommittee, 'work that is going to require a vast deal of thought and study.'"

City Attorney Pollard declared that the thing that will confront the subcommittee will be the question of the appointment or election of such officials as the Council now names. This is the one function that does not belong exclusively to either the legislative or the executive department of city government. The courts have decided both ways, but it is now generally agreed that the power of naming city officers can be conferred by the Legislature on either the legislative or executive department. In this case that power can be vested in either the proposed board of control or in the Council.

An Important Point.

The matter of the election of heads of the various city departments is more important than any other question connected with the city government. If the legislative body (the Council) should hold the power to elect the men who are to serve directly under the executive body (the board of control), the aim of successful and economical administration would be defeated, for it would be folly to expect the board of control to "control" men whom they owe allegiance and by whom only they could be removed.

The greatest advantage to be gained by the city from the election of an executive board would be the benefit that would accrue from operating the affairs of the city on business principles and of securing a full dollar's worth of labor for every dollar appropriated by the Council. If the executive board (the board of control) is not allowed to select those who shall carry out their plans of economies, the whole scheme will end as a fiasco.

In the Houston plan this contention is clearly set out—that those employed by the board of control are responsible to the board, and that the executive board (the board of control) is not allowed to select those who shall carry out their plans of economies, the whole scheme will end as a fiasco.

If the executive board elects the heads of the departments, the result will be that the "heads" are responsible directly to the executive board, who will be able to demand that the departments are operated economically and honestly.

To place the power of election in the hands of the legislative body would be to tie the hands of the proposed executive committee.

In answer to a question as to whether

## WANT RECEIVER FOR THE TOBACCO TRUST

Prosecution to Resort to New Method of Dealing With Business.

## APPLICATION TO FEDERAL COURT

Request, if Granted, Would Put Agent in Charge of Property, With Power to Wind Up Its Affairs—To Employ Same Means to Curb Other Trusts.

WASHINGTON, July 8.—It is understood that the Department of Justice has adopted a new and highly important plan in connection with its proceedings against the so-called tobacco trust. After asking the court to issue subpoenas to defendants, requiring them to appear and answer the allegations contained in the bill, and asking that the monopoly complained of be declared illegal and in violation of the Sherman antitrust act, the department, in its petition, which probably will be filed in New York within a few days, will ask the court if, in its judgment, the interests and the facts as disclosed demand such action that receivers be appointed to take charge of the business and administer it in harmony with law.

Such a course, it is said, if adopted, would require the receiver taking charge of a corporation to administer its business with a view to the gradual disintegration of such monopoly—that is to say, such receiver, in administering such business, would have time to time be expected to sell and dispose of the different property units composing such monopoly in such a way as to preserve all the essential rights of the stockholders and at the same time ultimately give the general public the benefit of competition between separate and independent corporations or businesses.

It is understood that this plan has never before been adopted in the prosecution of trusts, but it is more than likely that the same plan will be followed in dealing with the so-called tobacco trust and such other trusts, if the peculiar facts in connection with each would justify such action.

## DID NOT IDENTIFY NEGRO ARRESTED

Mrs. Scott Was Not Positive That Smith Is Assailant and Excitement Subsidized.

(Special to The Times-Dispatch.) WILSON, N. C., July 8.—A negro, who gives his name as Walter Smith, was caught yesterday breaking into the home of Kinloch Owen, this county, and was brought here last night and jailed. Several people who saw him believed that he was Will Nixon who committed an assault on Mrs. Lot Scott about two weeks ago at this home, six miles from here. This report spread and excitement was feared. Sheriff Sharpe had Governor Glenn to order out the Wilson Light Infantry to protect the jail. This morning Mrs. Scott, who was seventy-three years old, was brought here to identify her assailant. This she was unable definitely to do. The man is now being held in the jail. It is probable, however, that he was seen at her home the day of the crime. Everything is quiet here to-night, and no trouble is expected unless the negro is absolutely identified.

## UNWRITTEN LAW TO FRONT AGAIN

Husband Finds Wife and Man Together, Killing the Latter.

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Armed with an important opinion of the City Attorney, denying the changes possible under the Constitution, the special Council Committee on Charter Changes last night took steps looking to the creation of a board of control, to which shall be entrusted the entire executive direction of the municipal government.

The committee met at first in the office of the Mayor, but later removed to room 5, on the third floor of the City Hall, where the members could have the benefit of electric fans and wide-open windows. Those present were Messrs. Dabney, chairman, and Burton, from the Board of Aldermen, and Messrs. Pollock, Spencer and Cary, from the Common Council, and Mayor McCarthy, who, by resolution, was made a member of the committee. City Attorney Pollard was also in attendance.

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## AERONAUT THOMAS TO CURB LIQUOR TRAFFIC IN CITY

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Machine, Running at High Rate of Speed, Struck Trolley Pole.

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